

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN MATT BRAINARD**, on January 26, 1999 at 9:00 A.M., in Room 420 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Matt BRAINARD, Chairman (R)  
Rep. Toni Hagener, Vice Chairman (D)  
Rep. Allan Walters, Vice Chairman (R)  
Rep. Darrel Adams (R)  
Rep. Joan Andersen (R)  
Rep. Edith Clark (R)  
Rep. Tom Dell (D)  
Rep. George Golie (D)  
Rep. Donald L. Hedges (R)  
Rep. Monica Lindeen (D)  
Rep. Jeff Mangan (D)  
Rep. Brennan Ryan (D)  
Rep. Frank Smith (D)  
Rep. Bill Tash (R)  
Rep. Bill Thomas (R)  
Rep. Doug Wagner (R)

**Members Excused:** Rep. Douglas Mood (R)

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Karen Mills, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Dates Posted: HB 61-1/5, HB 228-1/8, HB 244- 1/13  
Hearing: 1/23/1999  
Executive Action: None

**HEARING ON HB 61**

**Opening Statement by Sponsor: REP. JOHN COBB.**

This bill creates the Montana Supreme Court Refinancing Act. This would allow General Fund Appropriations or a check-off on income tax of \$5.00 to be put into a special fund for public campaign financing for Supreme Court justices' campaigns. Rep. Cobb explained the bill and told the committee to either provide for a check off or do an appropriation. Rep. Cobb also said the Commissioner of Political Practices could administer this program instead of the Secretary of State.

***{Tape : 1; Side : A; Approx. Time Counter : 0.1 - 10.9}***

**Proponents' Testimony:**

**ANGELA FULZ, Chief Deputy for Sec. of State's Office.**

***{Tape : 1; Side : A; Approx. Time Counter : 11.9 - 12.9}***

**DEBBIE SMITH, Mt. Common Cause**

***{Tape : 1; Side : A; Approx. Time Counter : 13 - 14.1}***

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

***{Tape : 1; Side : A; Approx. Time Counter : {14.1 -26.2}***

**Rep. Goalie to Rep. Cobb**

An escalation in spending? We could put a termination date on it and try it one campaign. If it doesn't work, we can kill it.

**Rep. Mangan to Rep. Cobb**

Will there be another impact/or choice that would take the money away? No. New money is being added now. You are appropriating your own money. Three check- offs on a list are for our own uses.

**Rep. Anderson to Rep. Cobb**

Query about one section being wiped out? Fiscal note says he can't do long term financing.

**Rep. Hedges to Rep. Cobb**

Could there be a matching funds approach? Trying to get away from so many judges having to match the money.

**Rep. Dell to Debbie Smith**

A similar check-off on your federal tax return now exists.

**Rep. Dell to Angela Fulz**

What states have this bill in place? Maine, Vermont and Mass., have the same form.

**Closing by Sponsor: REP. JOHN COBB**

***{Tape : 1; Side : A; Approx. Time Counter : 26.2 - 28.2}***

**HEARING ON HB 228**

**Opening Statement by Sponsor: REP. DAVID EWER.**

He said the intent of the bill is to eliminate the requirement that the first election of officers for a newly incorporated city or town be held in conjunction with a regular or primary election.

We've constrained local governments from holding elections. An impediment in the law constricts newly incorporated governments from holding elections. Now, they can hold an election for officers only. Strike one sentence so it would empower a new government to determine in their best interests, the day for setting an election.

***{Tape : 1; Side : B; Approx. Time Counter : 0.4 - 5.3}***

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

***{Tape : 1; Side : B; Approx. Time Counter : 5.5 - 18.8}***

**Rep. Wagner to Rep. Ewer**

Aren't you concerned about voter turn-out? Don't need a 60% turn out. The majority will prevail. It's what's in the public interest. How long will they have to wait to get their government in place? Towns will be able to appropriate money right away.

**Rep. Lindeen to Rep. Ewer**

Is it not true that a county is ham-strung until a newly incorporated city can raise their own additional dollars? The logical costs shift.

**Rep. Adams to Rep. Ewer**

When are they an incorporated city? Not an incorporated city until they have voted.

**Rep. Hagener to Rep. Ewer**

How many cities become incorporated per year? The number is pretty small.

**Rep. Hedges to Rep. Ewer**

Haven't we moved elections times in the past, to a more feasible time of their own choosing? Not sure.

**Rep. Lindeen to Rep. Ewer**

Can't we trust that if they want to incorporate, they will push to get the election date of their choosing? Answer not clear.

**Rep. Mangan to Rep. Ewer**

Doesn't preclude--gives them the ability to make choices.

**Closing by Sponsor: REP. DAVID EWER**

***{Tape : 1; Side : B; Approx. Time Counter : 18 - 18.2}***

**HEARING ON HB 244**

**Opening Statement by Sponsor: REP. TOM FACEY**

His bill calls for an act revising the compensation for retired judges or justices called for duty.

Substitute judges are needed in Montana. When judges become deceased or are otherwise incapacitated, Montana is not able to get the substitute judges they need. Those judges who are retired and capable have sought other part-time judgeships which are more lucrative. Bill proposes that judges receive a full salary commensurate to what currently practicing judges are making, not just 1/2 of their retirement salary.

***{Tape : 1; Side : B; Approx. Time Counter : 18.7 - 20.3}***

**Proponents' Testimony:**

**ED MCLEAN, District Court Judges' Assoc.**

***{Tape : 1; Side : B; Approx. Time Counter : 20.4 - 23.3}***

**PAT CHENOVICK, Discounted testimony, didn't sign in.**

**WARD SHANAHAN, State Bar Assoc. of Montana Judges**

***{Tape : 1; Side : B; Approx. Time Counter : 26.6 - 26.9}***

Two persons did not sign in. Testimony discounted.

**MIKE O'CONNER, PERS**

***{Tape : 1; Side : B; Approx. Time Counter : 28.3 - 30}***

*{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 1}*

Opponents' Testimony: None

Questions from Committee Members and Responses:

*{Tape : 2; Side : A; Approx. Time Counter : 1.2 - 2}*

**Rep. McClain to Rep. Wagner**

Will more Montana judges come out to do this work? How many?

Rep. Wagner has three retired judges in mind.

Closing by Sponsor: Rep. Tom Facey

*{Tape : 2; Side : A; Approx. Time Counter : 2.2 - 3.3}*

**MIKE FELLOWS, Concerned citizen** who handed his exhibit in after the meeting was over. **EXHIBIT**(sth20a01)

**ADJOURNMENT**

Adjournment: 10:06 A.M.

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REP. MATT BRAINARD, Chairman

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KAREN MILLS, Secretary

MB/KM

**EXHIBIT (sth20aad)**